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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,430

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MCA-615 US

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EXAMINER

MENON, KRISHNAN S

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,430	Applicant(s) CLAUSS, CHRISTIAN	
	Examiner Krishnan S. Menon	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1 and 3-14 are pending as amended in the RCE of 4/24/08.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The newly added limitation in claim 1 and 11 recite:

passage; wherein said selectively operable means comprises a valve adapted to slide in a bore which discharges onto an external surface portion of a reception head to drive said valve in translation between said first position and said second position.

This recitation reads (1) the bore in which the valve slides discharges to an external surface portion of a reception head and this discharging causes the valve in translation. This recitation brings in several new elements such as a new external surface portion of a new reception head other than what is previously recited in the claim, and a bore that is opening on to the new external surface portion. It is unclear how these structures are interrelated. It is also unclear what drives the valve in translation.

Claim Rejections - 35 USC § 102/103

1. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(e) as anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over, Ferguson (US 6,884,341).

Applicant's claims use means-plus-function language liberally. Therefore, the structure recited is considered as what is disclosed by the applicant or equivalents thereof.

The claimed invention is about a mechanical support for a filter having a reception surface, a vacuum connection to the reception surface, and a passage connecting the reception surface to the outside, which passage having a solenoid controlled valve to open and close the passage.

The reference teaches a vacuum filter system having a reception surface which holds a filter, a vacuum connection (see figures 2a-c and 3a-c), a pressure sensor in a passage which vents to the outside, and a filter in the reception surface.

The reference does not specifically teach a solenoid valve, but teaches a pressure sensitive check valve in figure 3a-b and vent 214 with valve 213 in figure 2b-c. (see column 7, lines 32-45). This teaching is considered equivalent to the "valve means" claimed, unless applicant can show otherwise. In case the reference check valve and/or vent valve are not considered as equivalent, replacing them with a solenoid valve would be within the skill of one of ordinary skill in the art. Also, with respect to the solenoid for driving the valve, solenoids for driving valves are well known in the art, and is therefore, not patentable. "[M]eans plus function limitations are met by structures which are equivalent to the corresponding structures recited in the specification." In re Ruskin, 347 F.2d 843, 146 USPQ 211 (CCPA 1965) as implicitly modified by In re

Donaldson, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994). See also In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999). Interchanging one equivalent for another is obvious. "Substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art ..." See KSR v Teleflex: 82 USPQ 2d 1385 (2007).

The newly added limitation in claim 1 recites only a valve that functions by a translatory movement in the bore or the passage, which is how a ball-check valve works.

2. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Johnson (US 6,027,638).

Claims 1-3 are for a mechanical support for a drainage device with a passage having a valve in it – see figures 1,4,6 and 7a – claims 1-3 read on each of them. They all have a suction branch for connection to a source of vacuum as in claim 8 and valves as in claims 9 and 10.

The newly added limitation in claim 1 recites only a valve that functions by a translatory movement in the bore or the passage, which is how a ball-check valve works.

Claims 4-6: figure 5 of Johnson reads on claims 4-6: 240 can be the reception head that receives a filter over 242; the mating part below 240 is the head support. Keying means – 270-274, 272-276. See the figure below:

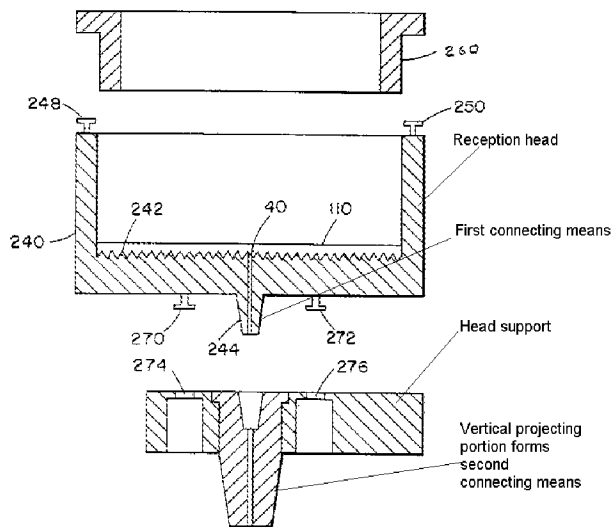
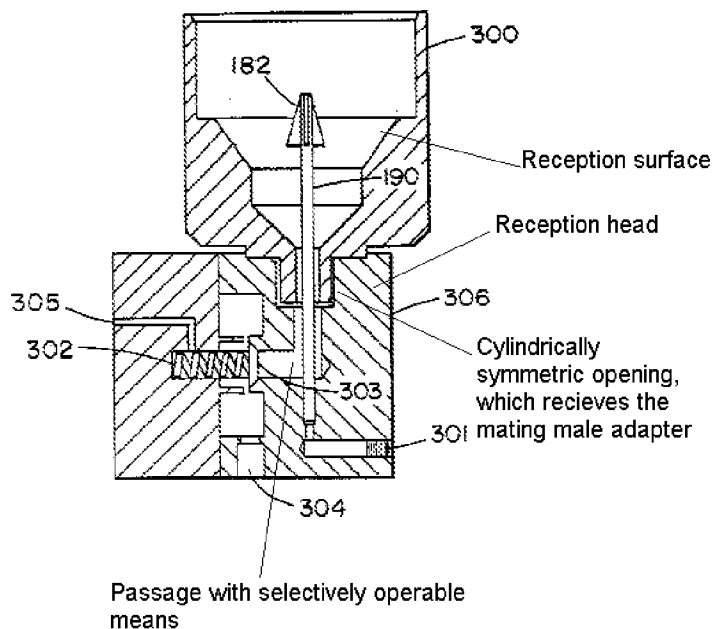


FIG. 5

3. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson.

The elements recited in claim 11 can be found in figs 6 and 7A of Johnson, except for the transverse bore and the key. The newly added limitation in claim 1 recites only a valve that functions by a translatory movement in the bore or the passage, which is how a ball-check valve works. See the limitations of claim 11 with respect to the relevant portion of figure 6 presented below:

The missing element is the transverse bore to accommodate a locking key that is intended for locking the male portion of the mating part in the opening. However, this kind of key locks are well known in the art, such as set screws, etc., and is not a patentable limitation, unless applicant can show otherwise.



Allowable Subject Matter

Claim 14 is allowed.

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments traversing the art rejection filed 4/24/08 have been fully considered but they are not persuasive.

Arguments are addressed in the rejection. The argument that the valve is operated from outside was considered in the rejection. However, the current

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amendment does not limit the claims as such - and is not commensurate in scope with the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797